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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-901]

Certain Lined Paper Products from the People's Republic of China: Notice of Final Results and Partial Rescission of Antidumping Duty Administrative Review; 2011-2012

AGENCY: Enforcement and Compliance, formerly Import Administration,  
International Trade Administration, Department of Commerce

SUMMARY: On June 10, 2013, the Department of Commerce (the Department) published in the *Federal Register* its preliminary results of the sixth administrative review of the antidumping duty order<sup>1</sup> on certain lined paper products from the People's Republic of China (PRC).<sup>2</sup> The period of review (POR) is September 1, 2011, through August 31, 2012. We invited parties to comment on the *Preliminary Results*, however, no party submitted any comments. The current review covers three exporters: Leo's Quality Products Co., Ltd./Denmax Plastic Stationery Factory (Leo/Denmax), Shanghai Lian Li Paper Products Co., Ltd. (Lian Li), and Hwa Fuh Plastics Co., Ltd./ Li Teng Plastics (Shenzhen) Co., Ltd. (Hwa Fuh/Li Teng). For these final results, we made no changes to our preliminary results. We are rescinding the review with respect to Hwa Fuh/Li Teng. We continue to find Leo/Denmax to be part of the PRC-wide entity. In addition, we continue to find that Lian Li made no shipments to the United States during the POR and will retain its separate rate status.

EFFECTIVE DATE: [Insert date of publication in the *Federal Register*].

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<sup>1</sup> See *Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Lined Paper Products from the People's Republic of China; Notice of Antidumping Duty Orders: Certain Lined Paper Products from India, Indonesia, and the People's Republic of China; and Notice of Countervailing Duty Orders: Certain Lined Paper Products from India and Indonesia*, 71 FR 56949 (September 28, 2006)

<sup>2</sup> See *Certain Lined Paper Products from the People's Republic of China: Preliminary Results and Rescission in Part of Antidumping Duty Administrative Review; 2011-2012*, 78 FR 34640 (June 10, 2013) (*Preliminary Results*).

FOR FURTHER INFORMATION CONTACT: Cindy Robinson, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3797.

SUPPLEMENTARY INFORMATION:

Background

On June 10, 2013, the Department published the *Preliminary Results*. We invited interested parties to comment on the *Preliminary Results*, but we received no comments. The Department has conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

In the *Preliminary Results*, the Department found that Lian Li made no shipments to the United States during the POR and preliminarily determined not to rescind the review with respect to Lian Li, but to issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on the final results of the review.<sup>3</sup> In addition, the Department preliminarily rescinded this review with respect to Hwa Fuh/Li Teng because the questionnaire sent to this company was returned to the Department because of an undeliverable address. Hwa Fuh/Li Teng has no valid address and could not be contacted. In addition, because Leo/Denmax did not respond to the Department's questionnaire nor did it submit a proper no shipments notification to the Department, we preliminarily determined that Leo/Denmax failed to demonstrate that it operates free from government control. Thus, we preliminarily determined Leo/Denmax to be part of the PRC-wide entity.<sup>4</sup> We invited interested parties to submit comments on our *Preliminary Results*, but we received no comments. Therefore, for these final results, we continue to find Leo/Denmax to be part of the PRC-wide entity.

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.<sup>5</sup> Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. If the new deadline falls on a non-business day, in accordance with the Department's practice, the deadline will become the next business day. The revised deadline for the final results of this review is now October 24, 2013.

#### Scope of the Order

The scope of this order includes certain lined paper products, typically school supplies (for purposes of this scope definition, the actual use of or labeling these products as school supplies or non-school supplies is not a defining characteristic) composed of or including paper that incorporates straight horizontal and/or vertical lines on ten or more paper sheets (there shall be no minimum page requirement for looseleaf filler paper) including but not limited to such products as single- and multi-subject notebooks, composition books, wireless notebooks, looseleaf or glued filler paper, graph paper, and laboratory notebooks, and with the smaller dimension of the paper measuring 6 inches to 15 inches (inclusive) and the larger dimension of the paper measuring 8-3/4 inches to 15 inches (inclusive). Page dimensions are measured size (not advertised, stated, or "tear-out" size), and are measured as they appear in the product (*i.e.*, stitched and folded pages in a notebook are measured by the size of the page as it appears in the notebook page, not the size of the unfolded paper). However, for measurement purposes, pages with tapered or rounded edges shall be measured at their longest and widest points. Subject lined paper products may be loose, packaged or bound using any binding method (other than case bound through the inclusion of

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<sup>5</sup> See Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, "Deadlines Affected by the Shutdown of the Federal Government" (October 18, 2013).

binders board, a spine strip, and cover wrap). Subject merchandise may or may not contain any combination of a front cover, a rear cover, and/or backing of any composition, regardless of the inclusion of images or graphics on the cover, backing, or paper. Subject merchandise is within the scope of this order whether or not the lined paper and/or cover are hole punched, drilled, perforated, and/or reinforced. Subject merchandise may contain accessory or informational items including but not limited to pockets, tabs, dividers, closure devices, index cards, stencils, protractors, writing implements, reference materials such as mathematical tables, or printed items such as sticker sheets or miniature calendars, if such items are physically incorporated, included with, or attached to the product, cover and/or backing thereto.

Specifically excluded from the scope of this order are:

- unlined copy machine paper;
- writing pads with a backing (including but not limited to products commonly known as “tablets,” “note pads,” “legal pads,” and “quadrille pads”), provided that they do not have a front cover (whether permanent or removable). This exclusion does not apply to such writing pads if they consist of hole-punched or drilled filler paper;
- three-ring or multiple-ring binders, or notebook organizers incorporating such a ring binder provided that they do not include subject paper;
- index cards;
- printed books and other books that are case bound through the inclusion of binders board, a spine strip, and cover wrap;
- newspapers;
- pictures and photographs;

- desk and wall calendars and organizers (including but not limited to such products generally known as “office planners,” “time books,” and “appointment books”);
- telephone logs;
- address books;
- columnar pads & tablets, with or without covers, primarily suited for the recording of written numerical business data;
- lined business or office forms, including but not limited to: pre-printed business forms, lined invoice pads and paper, mailing and address labels, manifests, and shipping log books;
- lined continuous computer paper;
- boxed or packaged writing stationery (including but not limited to products commonly known as “fine business paper,” “parchment paper,” and “letterhead”), whether or not containing a lined header or decorative lines;
- Stenographic pads (“steno pads”), Gregg ruled (“Gregg ruling” consists of a single- or double-margin vertical ruling line down the center of the page. For a six-inch by nine-inch stenographic pad, the ruling would be located approximately three inches from the left of the book.), measuring 6 inches by 9 inches.

Also excluded from the scope of this order are the following trademarked products:

- Fly™ lined paper products: A notebook, notebook organizer, loose or glued note paper, with papers that are printed with infrared reflective inks and readable only by a Fly™ pen-top computer. The product must bear the valid trademark Fly™ (products found to be bearing an invalidly licensed or used trademark are not excluded from the scope).

- **Zwipes™:** A notebook or notebook organizer made with a blended polyolefin writing surface as the cover and pocket surfaces of the notebook, suitable for writing using a specially-developed permanent marker and erase system (known as a Zwipes™ pen). This system allows the marker portion to mark the writing surface with a permanent ink. The eraser portion of the marker dispenses a solvent capable of solubilizing the permanent ink allowing the ink to be removed. The product must bear the valid trademark Zwipes™ (products found to be bearing an invalidly licensed or used trademark are not excluded from the scope).
- **FiveStar®Advance™:** A notebook or notebook organizer bound by a continuous spiral, or helical, wire and with plastic front and rear covers made of a blended polyolefin plastic material joined by 300 denier polyester, coated on the backside with PVC (poly vinyl chloride) coating, and extending the entire length of the spiral or helical wire. The polyolefin plastic covers are of specific thickness; front cover is 0.019 inches (within normal manufacturing tolerances) and rear cover is 0.028 inches (within normal manufacturing tolerances). Integral with the stitching that attaches the polyester spine covering, is captured both ends of a 1" wide elastic fabric band. This band is located 2-3/8" from the top of the front plastic cover and provides pen or pencil storage. Both ends of the spiral wire are cut and then bent backwards to overlap with the previous coil but specifically outside the coil diameter but inside the polyester covering. During construction, the polyester covering is sewn to the front and rear covers face to face (outside to outside) so that when the book is closed, the stitching is concealed from the outside. Both free ends (the ends not sewn to the cover and back) are stitched with a turned edge construction. The flexible polyester material forms a covering over the spiral

wire to protect it and provide a comfortable grip on the product. The product must bear the valid trademarks FiveStar®Advance™ (products found to be bearing an invalidly licensed or used trademark are not excluded from the scope).

- FiveStar Flex™: A notebook, a notebook organizer, or binder with plastic polyolefin front and rear covers joined by 300 denier polyester spine cover extending the entire length of the spine and bound by a 3-ring plastic fixture. The polyolefin plastic covers are of a specific thickness; front cover is 0.019 inches (within normal manufacturing tolerances) and rear cover is 0.028 inches (within normal manufacturing tolerances). During construction, the polyester covering is sewn to the front cover face to face (outside to outside) so that when the book is closed, the stitching is concealed from the outside. During construction, the polyester cover is sewn to the back cover with the outside of the polyester spine cover to the inside back cover. Both free ends (the ends not sewn to the cover and back) are stitched with a turned edge construction. Each ring within the fixture is comprised of a flexible strap portion that snaps into a stationary post which forms a closed binding ring. The ring fixture is riveted with six metal rivets and sewn to the back plastic cover and is specifically positioned on the outside back cover. The product must bear the valid trademark FiveStar Flex™ (products found to be bearing an invalidly licensed or used trademark are not excluded from the scope).

Merchandise subject to this order is typically imported under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4811.90.9035, 4811.90.9080, 4820.30.0040, 4810.22.5044, 4811.90.9050, 4811.90.9090, 4820.10.2010, 4820.10.2020, 4820.10.2030, 4820.10.2040, 4820.10.2050, 4820.10.2060, and 4820.10.4000.<sup>6</sup> The HTSUS

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<sup>6</sup> In the *Preliminary Results*, we inadvertently listed only the following eight HTSUS numbers: 4810.22.5044, 4811.90.9050, 4820.10.2010, 4820.10.2020, 4820.10.2030, 4820.10.2040, 4820.10.2060, and 4820.10.4000. The

headings are provided for convenience and customs purposes; however, the written description of the scope of this order is dispositive

Since the issuance of the order, the Department has clarified the scope of the order in response to numerous scope inquiries. In addition, on September 23, 2011, the Department revoked, in part, the PRC AD order with respect to FiveStar® Advance™ notebooks and notebook organizers without PVC coatings.<sup>7</sup>

#### Final Rescission of Review with Respect to Company with No Valid Address

The Department preliminarily rescinded the review with respect to Hwa Fuh/Li Teng because the Department was unable to deliver the initial questionnaire to the company using the address provided by Petitioners. Since we did not receive any comments on our *Preliminary Results*, we are rescinding the review with respect to Hwa Fuh/Li Teng in these final results, in accordance with our practice of rescinding the review of companies when the questionnaires sent to these companies were returned to the Department because of undeliverable addresses.<sup>8</sup>

#### Company with No-Shipments Assertion

Lian Li timely submitted a certification of non-shipment of subject merchandise to the United States during the POR. In the *Preliminary Results*, consistent with its practice, the Department stated its intent to continue the review of Lian Li. Because there is no information

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certain lined paper products order covers 13 HTSUS numbers currently. See *Certain Lined Paper Products From India: Notice of Preliminary Results of Antidumping Duty Administrative Review*, 76 FR 62343 (October 7, 2011) at footnote 3 for the latest update of the HTS numbers for the certain lined paper products order; see also Memorandum from Gayle Longest, Case Analyst, through James Terpstra to the File, dated July 6, 2011 and July 11, 2011, where additional HTSUS numbers were added to the certain lined paper products order based on requests from a National Import Specialist of CBP.

<sup>7</sup> See *Certain Lined Paper Products From People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review and Revocation, in Part*, 76 FR 60803 (September 30, 2011).

<sup>8</sup> See 19 CFR 351.213(d)(3) and *Certain Steel Concrete Reinforcing Bars from Turkey: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review*, 71 FR 26,455, 26,457 (May 5, 2006) (unchanged in *Certain Steel Concrete Reinforcing Bars From Turkey: Final Results and Rescission of Antidumping Duty Administrative Review in Part*, 71 FR 65082 (November 7, 2006)); see also *Certain Frozen Warmwater Shrimp from India: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review*, 72 FR 10658, (March 9, 2007) (unchanged in *Certain Frozen Warmwater Shrimp from India: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 72 FR 52055 (September 12, 2007)).



on the record which indicates that Lian Li made shipments of subject merchandise which entered the United States during the POR, including our analysis of the CBP data, and because we did not receive any comments on our *Preliminary Results*, we continue to determine that Lian Li had no sales to the United States during the POR. In accordance with the Department's *Assessment of Antidumping Duties*<sup>9</sup> and past practice,<sup>10</sup> we find it appropriate in this case to instruct CBP to liquidate any existing entries of merchandise produced by Lian Li and exported by other parties at the PRC-wide entity rate. Therefore, the Department will issue appropriate instructions to CBP for any entries made under Lian Li's name during the POR.

#### PRC-Wide Entity

In the *Preliminary Results*, the Department determined that Leo/Denmax failed to demonstrate its eligibility for a separate rate and was considered part of the PRC-wide entity.<sup>11</sup> After issuing the *Preliminary Results*, the Department did not receive any comments from interested parties. Because nothing has changed with respect to these companies since the *Preliminary Results*, we continue to find Leo/Denmax to be part of the PRC-wide entity.

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<sup>9</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011) (*Assessment of Antidumping Duties*); see also *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003). In *Assessment of Antidumping Duties*, we explained that, for entries that are not reported in the reviewed company's U.S. sales databases submitted to the Department during an administrative review, or otherwise determined not covered by the review (*i.e.*, the reviewed exporter claims no shipments), the Department will instruct CBP to liquidate such entries at the non-market economy wide rate as opposed to the company-specific rate declared by the importer at the time of entry, thereby ensuring that this practice in NME proceedings will be consistent with the application of the same liquidation practice in market-economy proceedings.

<sup>10</sup> See, *e.g.*, *Certain Frozen Warmwater Shrimp From the People's Republic of China: Preliminary Results and Preliminary Partial Rescission of Fifth Antidumping Duty Administrative Review*, 76 FR 8338 (February 14, 2011) (unchanged in *Administrative Review of Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 76 FR 51940 (August 19, 2011)).

<sup>11</sup> See *Preliminary Results*.

### Final Results of Review

The Department has made no changes to the *Preliminary Results*. As a result of our review, we determine that the following margin exists for the period September 1, 2011, through August 31, 2012:

Exporter	Weighted-Average Margin
PRC-wide Entity (including Leo/Denmax)	258.21 %

### Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), the Department has determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise and deposits of estimated duties, where applicable, in accordance with the final results of this review. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of this administrative review for all shipments of certain lined paper products from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (2) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash-deposit rate will be PRC-wide rate of 258.21 percent; and (3) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash-deposit rate will be the

rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these results and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

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Paul Piquado  
Assistant Secretary  
for Enforcement and Compliance

\_October 23, 2013\_\_\_\_\_

Date

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